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TAGS: [PGOV](#) [PREL](#) [KDEM](#) [TS](#)
SUBJECT: GOT REACTION TO PRISONER RELEASE STATEMENT

Classified By: CHARGE D'AFFAIRES a.i. DAVID BALLARD FOR REASONS 1.4 B & D

11. (C) SUMMARY: On March 3, MFA Secretary of State for American and Asian Affairs Saida Chtioui summoned Charg to present a formal GOT reaction to the Department statement on the February 25 release of over 1600 Tunisian prisoners. Chtioui expressed the GOT's "surprise" that the Spokesman had referenced NGO allegations that the released were political prisoners, of which "there are none in Tunisia." Chtioui added that all of the released had been convicted for their involvement in violent acts, not for their beliefs or membership in illegal organizations. Finally, Chtioui said that those involved in the attempted demonstration on February 24 were from illegal groups that are not allowed to demonstrate. Despite the predictably negative reaction, it is worth noting that Tunisia has in fact made progress toward achieving several USG political reform targets in the past two years. END SUMMARY.

12. (C) Chtioui began by saying Tunisia was surprised by the USG statement, particularly as it is a well-known practice in Tunisia for President Ben Ali to pardon prisoners on the occasion of national holidays. With the fiftieth anniversary of Tunisia's independence from France coming on March 20, the President had decided to pardon a larger number of prisoners than on other occasions. Chtioui asked why the Spokesman had used the term "political prisoners" in the statement, when "we don't have them here." Charg quoted from the statement to note the released "had been described...as political prisoners" by NGOs. (NOTE: Without a comprehensive list of the individuals released, it is difficult to confirm that those who were released were in fact political prisoners as defined by the USG. END NOTE.) Chtioui said the continued repetition of such statements reminds the world of the allegations even when Tunisia is taking the positive step of releasing prisoners. It seems like a kind of prejudice against Tunisia, said Chtioui.

13. (C) Noting that the US is at the forefront of the Global War on Terror, Chtioui asked, "Why do you call terrorists political prisoners?" Charg responded that the USG agrees with the imprisonment of terrorists, but is against imprisonment simply for membership in an organization. Chtioui responded that the an-Nahdha members pardoned were all in prison for involvement in some violent or terrorist act. She went on to explain that although the Zarzis group was attempting the active assembly of a bomb, the President believed these young people should have another chance to be integrated into Tunisian society. Charg said that the basis of the USG's concern, like Amnesty International's, about the Zarzis case was related to the apparent failure of the GOT to respect due process of law, not judgement of the group's guilt or innocence.

14. (C) In conclusion, Chtioui said that the claim that the GOT had banned a demonstration of legal political parties was

simply incorrect. None of those involved were legal parties, which have the right to criticize the government and organize demonstrations. However, citizens must respect the law, said Chtioui, and illegal groups may not violate Tunisian laws. Charg noted the attempted participation of the legal Tunisian Human Rights League, which Chtioui rejected as "not a party." When asked about the participation of the legal Democratic Progressive Party (PDP), Chtioui said that she did not have all the details about the attempted demonstration, but that illegal opposition groups are not allowed to demonstrate. (NOTE: The GOT strictly interprets "legal" and "illegal" and often limits mixed group activities. END NOTE.) Charg noted that the USG statement on this event reflects our fundamental belief in the importance of freedom of association and assembly in Tunisia and that the GOT should always expect a strong USG reaction to any limitation of these rights.

15. (C) COMMENT: The GOT routinely makes formal complaints to the USG about our public statements, expressing its disappointment that positive steps are rewarded with negative comments. Its overly defensive reaction when challenged, combined with its unique ability to follow good actions - releasing prisoners - with bad - blocking civil society activism - is self-defeating at best. The fact that GOT restrictions on freedom of speech and association are more prevalent than any positive political steps often make the pace of any political reforms seem glacial.

16. (C) COMMENT, CONT: However, we should at the same time note the GOT has made progress in political reform in the past two years. Of the seven specific steps requested in early 2004 by former DRL A/S Lorne Craner, the GOT has taken positive action on four: (1) media freedom is growing, with two new stations now broadcasting and palpable, if cautious, trend toward more critical coverage by the media, (2) approximately half (using the most reliable estimate) of political prisoners have been released, and (3) the ICRC conducts regular visits to Tunisian prisons. Post has also just learned a new political party may have been recently registered, which was another requested action. (Another action regarding the choice of 2005 WSIS president is irrelevant.) When these actions are considered as a group, Tunisia's progress on the path of democratic reform is more impressive than it often appears to be from day-to-day. END COMMENT.
BALLARD